

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

TIMOTHY L. LUTZ, :
Plaintiff,
v. : Case No. 3:18-cv-380
ALPINE TOWERS AND STANDS, : JUDGE WALTER H. RICE
LLC, et al., :
Defendants.

DECISION AND ENTRY SUSTAINING PLAINTIFF'S MOTION FOR
EXTENSION OF TIME FOR SERVICE (DOC. #6); PLAINTIFF TO
PERFECT SERVICE WITHIN NINETY DAYS OF THIS DECISION AND
ENTRY

Plaintiff, Timothy L. Lutz, has filed a motion for an extension of time in order to serve Defendants, Alpine Towers and Stands LLC ("Alpine Towers") and WM Logistics LLC ("WM"). Doc. #6. Plaintiff states that although the state court docket shows that service was completed on Alpine Towers, Doc. #1-1, PAGEID#7, counsel for Defendant, Menard, Inc., is contesting proper service on behalf of Alpine Towers and is also arguing that service is not perfected on WM, claiming that this defendant has been "improperly joined." Doc. #1, PAGEID#2. Because more than 90 days have elapsed since the Complaint was filed in state court, Plaintiff seeks additional time, pursuant to Fed. R. Civ. P. 4 (m), in order to complete service on both Alpine Towers and WM. Plaintiff has complied with S.D.

Ohio Civ. R. 7.3(a) and states that this extension of time to serve Alpine Towers and WM is not opposed by Defendant, Menard, Inc.

Pursuant to Fed. R. Civ. P. 4 (m), Plaintiff has established "good cause" for the alleged failure to serve these two defendants. Accordingly, Plaintiff's motion for extension of time to serve, Doc. #6, is SUSTAINED. Plaintiff is to perfect service on Alpine Towers and WM within 90 days of the date of this Decision and Entry.

Date: April 23, 2019



WALTER H. RICE
UNITED STATES DISTRICT JUDGE